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Washington, DC 20036

EXAMINER

GARLAND, STEVEN R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/686,626

Applicant(s)

SATCHELL ET AL.

Examiner

Steven R Garland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12, 31-41, 60-130 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 31-41, 60-74 and 76-130 is/are rejected.
- 7) ☒ Claim(s) 75 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 37-38, 95, 41, 102, and 103 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37, line 7, "said audio-video mechanism" lacks a proper antecedent basis.

Claim 41, lines 1-2, "said at least one audio-video recording, storage, and playback mechanism" lacks a proper antecedent basis.

Claim 102, line 1, "the computer" lacks a proper antecedent basis.

The remaining claims fall with the parent claims.

3. Claims 114-130 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. See *Hester Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998); *In re Clement*, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997); *Ball Corp. v. United States*, 729 F.2d 1429, 1436, 221 USPQ 289, 295 (Fed. Cir. 1984). A broadening aspect is present in the reissue which was not present in the application for patent. The record of the application for the patent shows that the broadening aspect (in the reissue) relates to subject matter that applicant previously surrendered during the prosecution of the application. Accordingly, the narrow scope of the claims in the patent was not an error within the meaning of 35

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U.S.C. 251, and the broader scope surrendered in the application for the patent cannot be recaptured by the filing of the present reissue application.

The retrofitting door aspects have been omitted from claims 114-130 resulting in improper recapture. The retrofitting door was indicated as being the reason for allowance of originally numbered claim 10 in the parent patent in the office action of 10/6/97. Further in the amendment filed 12/30/97 by the applicant it was stated that claim 1, the only other independent claim in the application, was being amended to recite a vending machine having a door for retrofitting an existing vending machine consistent with allowable claim 10. The response further stated that in view of the indication of Allowability of claim 10, these amendments are submitted to place claim 1 in condition for allowance with all the other remaining claims being dependent on claim 1 as amended. The application was then allowed without additional amendment and no additional comments in regards to the allowed claims were made by the applicants. All the rejected claims fail to claim the retrofitting door. Also note MPEP section 1412.02 on recapture.

4. In regards to applicant's remarks in regards to 35 U.S.C. 103 (c) and questions about it, attention is directed to MPEP sections 706.02 I(1)-706.02I(3).

5. The declaration filed on 11/26/02 under 37 CFR 1.131 has been considered but is ineffective to overcome the *Berstein et al.*, *Barcelou*, *Peters*, *Brown*, *Small*, and *Hill*, III references referred to in the declaration.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date

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of the Bernstein et al., Barcelou, Peters, Brown, Small, and Hill, III references. The amendment filed 12/26/95 in parent application 08/429,583 is not either an actual reduction to practice or a constructive reduction to practice as in the case of filing an U.S. patent application. The filing of the U.S. 08/715,232 application is the constructive reduction to practice. Note MPEP sections 715-715.07(c).

Further the declaration is ineffective to overcome the Bernstein et al., Barcelou, Peters, Brown, Small, and Hill, III references referred to in the declaration in that it does not comply with the requirements of 37 CFR 1.131, since it is signed by only one inventor and the instant reissue application and the patent on which reissue is being sought were filed by joint inventors. Note MPEP section 715.04 in regards as to who must make the declaration and also the showing regarding invented subject matter if less than all the inventors sign the declaration.

Note is also taken that in the papers submitted 12/26/95 in the 08/429,583 application that the cover sheet specifically refers to "modifications, amendments, and supplements containing additional subject matter" these papers introduce the term Internet and also introduce new matter which is not supported by the original 08/429,583 application as filed.

6. Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 CFR 1.173(b).

Note that each claim amendment must be accompanied by an explanation of the support in the disclosure of the patent for the amendment. See MPEP section 1453.

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7. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: no clear antecedent basis is found in the specification for the "access portal " of claim 31.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 31-37,60-64,66,69,72-74,76-84,87-89,94-108, and 110-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Bernstein et al. 5,761,071.

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door.

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Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine with a browser and mouse.

Bernstein et al. disclose a vending machine, such as a ATM with Internet access, use of a computer, mouse, browser, bookmarks, modem or antenna, display of information when the machine is idle. See the abstract, figures, col. 1, line 9 to col. 2, line 52; col. 3, line 66 to col. 4, line 42; col. 6, lines 40-49; and col. 7, lines 25-33.

It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Bernstein and modify the vending machine and its door to provide Internet access using a browser and mouse. This would allow a wider range of transactions and increase the revenue from the machine.

11. Claims 31-41, 60-66, 68, 69, 71-74, 76-108, and 110-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Barcelou 6,048,271.

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door. Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine, use of a camera to record an image on a medium, or use of a microphone.

Barcelou discloses a device that can vend products and also perform other functions. Barcelou discloses the use of a computer; speakers, microphone, accepting and dispensing cash, credit, etc.; use of a camera to record an image on a medium; use of the device to access a host of Internet services and other services; use of a card reader; recording on cards, disks, etc.; and advertising. See the abstract; figures; col. 2, lines 43-55; col. 3, line 17 to col. 4, line 63; col. 5, line 10 to col. 6, line 6; and col. 7, line 52 to col. 9, line 23.

It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Barcelou and modify the vending machine and its door to provide Internet access and also provide a camera and microphone on the door. This would allow a



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wider range of transactions , allow audio and video signals to be recorded or used in communication with various external sites, and increase the revenue from the machine.

12. Claims 31-41,60-66,68,69, 71-74,76-108, and 110-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Peters 5,769,269.

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door. Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine , use of a camera to record an image on a medium, or use of a microphone.

Peters discloses a computer controlled vending machine which can be connected to various sites; use of a ISDN connection ( Internet ); use of live video/audio; recording audio/video signals on CD's, tapes, etc.; use of a modem; use of a camera and microphone; advertising; use of debit/credit cards; use of a keyboard;

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money return; use of a door; etc. See the abstract; figures; col. 1, line 15 to col. 3, line 59; and col. 4, line 45 on.

It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Peters and modify the vending machine and its door to provide Internet access and also provide a camera and microphone on the door. This would allow a wider range of transactions, allow audio and video signals to be recorded or used in communication with various external sites, and increase the revenue from the machine.

In response to applicant's arguments in regards to Peters and the term Internet, applicant has given a very broad meaning to the term as set forth by the definition of "Internet" in col. 4, lines 39-41 of the instant application which is met by Peters.

13. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Peters 5,769,269 as applied to claims 31-41, 60-66, 68, 69, 71-74, 76-108, and 110-112 above, and further in view of Brown 5,445,295 (cited by applicant).

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door. Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-

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45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine, use of a camera to record an image on a medium, or use of a microphone.

Peters discloses a computer controlled vending machine which can be connected to various sites; use of a ISDN connection ( Internet ); use of live video/audio; recording audio/video signals on CD's, tapes, etc.; use of a modem; use of a camera and microphone; advertising; use of debit/credit cards; use of a keyboard; money return; use of a door; etc. See the abstract; figures; col. 1, line 15 to col. 3, line 59; and col. 4, line 45 on.

It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Peters and modify the vending machine and its door to provide Internet access and also provide a camera and microphone on the door. This would allow a wider range of transactions , allow audio and video signals to be recorded or used in communication with various external sites, and increase the revenue from the machine.

Bradt and Peters however do not teach the use of headphones.

Brown teaches the alternatives of headphones or speakers in a vending machine. See col. 5, lines 1-5.

It would have been obvious to one of ordinary skill in the art to modify Bradt and Peters in view of Brown and provide the device with headphones for private listening and reduce background noise.

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14. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Bernstein et al. 5,761,071 as applied to claims 31-37, 60-64, 66, 69, 72-74, 76-84, 87-89, 94-108, and 110-113 above, and further in view of Small 5,513,117.

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door. Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine with a browser and mouse.

Bernstein et al. disclose a vending machine, such as a ATM with Internet access, use of a computer, mouse, browser, bookmarks, modem or antenna, display of information when the machine is idle. See the abstract, figures, col. 1, line 9 to col. 2, line 52; col. 3, line 66 to col. 4, line 42; col. 6, lines 40-49; and col. 7, lines 25-33.

It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Bernstein and modify the vending machine and its door to provide Internet

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access using a browser and mouse. This would allow a wider range of transactions and increase the revenue from the machine.

Bradt and Bernstein however do not teach the use of a trackball.

Small teaches the alternatives of a mouse or trackball in vending machine. See col. 6, lines 60-65.

It would have been obvious to one of ordinary skill in the art to modify Bradt and Bernstein in view of Small and use a trackball instead of a mouse. This would reduce the chance of damage to the input device and prevent wires from dangling.

15. Claim 109 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Peters 5,769,269 as applied to claims 31-41, 60-66, 68, 69, 71-74, 76-108, and 110-112 above, and further in view of Brandes et al. 5,090,589 ( cited by applicant ).

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door. Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine , use of a camera to record an image on a medium, or use of a microphone.

Peters discloses a computer controlled vending machine which can be connected to various sites; use of a ISDN connection ( Internet ); use of live video/audio; recording audio/video signals on CD's, tapes, etc.; use of a modem; use of a camera and microphone; advertising; use of debit/credit cards; use of a keyboard; money return; use of a door; etc. See the abstract; figures; col. 1, line 15 to col. 3, line 59; and col. 4, line 45 on.

It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Peters and modify the vending machine and its door to provide Internet access and also provide a camera and microphone on the door. This would allow a wider range of transactions , allow audio and video signals to be recorded or used in communication with various external sites, and increase the revenue from the machine.

Bradt and Peters however do not teach the use of backlighting and the use of plate on the front of the vending machine.

Brandes et al. teach the use of a plate and backlighting on a vending machine. See the abstract and col. 4, lines 34-43.

It would have been obvious to one of ordinary skill in the art to modify Bradt and Peters in view of Brandes and use backlighting and a plate on the front of the vending machine to promote use of the machine and allow the controls to be conveniently grouped.

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16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17. Claims 114,115,117,118, 122,124,125,127,129, and 130 are rejected under 35 U.S.C. 102(b) as being anticipated by Huegel 5,239,480 ( cited by applicant ).

Huegel teaches a vending machine and computer, audio/video advertising, use of a credit card, use of a modem and server to connect to remote sites. See the figures, col. 2, line 28 to col. 3, line 3; col. 5, line 1 to col. 6, line 64; col. 8, lines 39-44; col. 9, lines 34-54.

18. Claims 114-119,121,122,124, and 130 are rejected under 35 U.S.C. 102(e) as being anticipated by Peters 5,769,269.

Peters discloses a computer controlled vending machine which can be connected to various sites; use of a ISDN connection ( Internet ); use of live video/audio; recording audio/video signals on CD's, tapes, etc.; use of a modem; use of a camera and microphone; advertising; use of debit/credit cards; use of a keyboard; money return; use of a door; etc. See the abstract; figures; col. 1, line 15 to col. 3, line 59; and col. 4, line 45 on.

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19. Claims 114-118, 122-127, 129, and 130 are rejected under 35 U.S.C. 102(e) as being anticipated by Gil et al. 6,477,514.

Gil et al. discloses vending, use of a computer which controls various functions, two way communication, display, advertising, use of a keyboard, microphone, audio output, modem; credit card or money input; Email ( Internet ) of data read from a disc drive and transmitted to another computer.

See the abstract; figures; col. 2, lines 45-67; col. 4, lines 18-32; col. 6, lines 40-65; col. 7, line 22 to col. 8, line 61; col. 13, line 25 to col. 15, line 7; and col. 18, lines 7-61.

20. Claim 128 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gil et al. 6,477,514 in view of Bradt et al. 4,839,505.

Gil et al. discloses vending, use of a computer which controls various functions, two way communication, display, advertising, use of a keyboard, microphone, audio output, modem; credit card or money input; Email ( Internet ) of data read from a disc drive and transmitted to another computer. Gil also teaches the use of doors( 160,161 ).

See the abstract; figures; col. 2, lines 45-67; col. 4, lines 18-32; col. 6, lines 40-65; col. 7, line 22 to col. 8, line 61; col. 13, line 25 to col. 15, line 7; and col. 18, lines 7-61.

Gil however does not specifically state that part of the access element is mounted on a door.

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door.



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Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

It would have been obvious to one of ordinary skill in the art to modify Gil in view of Bradt and mount part of the access element on a door. This would allow ease in mounting components, replacing them, eliminate gaps in which foreign objects could enter the machine.

21. Claims 114-118, 122, 124, 125, 126, 127, and 130 are rejected under 35 U.S.C. 102(e) as being anticipated by Mettke 5,602,905.

Mettke teaches vending internet services; use of a computer, modem, credit card, keyboard, monitor, and a telephone which inherently has a speaker and microphone, See the abstract; figures; col. 2, lines 3-67; and the claims.

22. Claim 120 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mettke 5,602,905 in view of Ishizaki et al. 5,699,328 ( previously cited in paper no. 5 ).

Mettke teaches vending internet services; use of a computer, modem, credit card, keyboard, monitor, and a telephone which inherently has a speaker and microphone, See the abstract; figures; col. 2, lines 3-67; and the claims.

Mettke while allowing printing of information does not provide for storing the information on a medium.

Ishizaki teaches allowing information to be stored on a floppy disc. See col. 13, line 1 to col. 14, line 38.

It would have been obvious to one of ordinary skill in the art to modify Mettke in view of Ishizaki and allow the alternative of storing the information on a floppy disc. This would allow faster writing of the information and also allow the information to be used on a different system without having to manually enter the data.

23. Claims 1-12 are allowed.

24. Claim 75 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

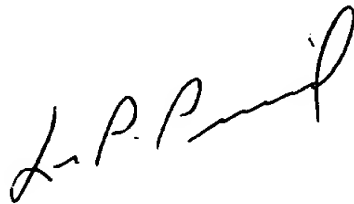
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R Garland whose telephone number is 703-305-9759. The examiner can normally be reached on Monday –Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239; for after final faxes 703-308-7238; and for non official faxes 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.



SRD

Steven R Garland  
Examiner  
Art Unit 2125

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100